

ESTTA Tracking number: **ESTTA234892**

Filing date: **09/05/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180458
Party	Defendant REAL ESTATE EQUITY EXCHANGE, INC.
Correspondence Address	Carole F. Barrett Howard Rice Nemerovski Canady Falk & Rab Three Embarcadero Center, 7th Floor SAN FRANCISCO, CA 94111 UNITED STATES trademark@howardrice.com, cbarret@howardrice.com
Submission	Withdrawal Of Application
Filer's Name	Carole F. Barrett
Filer's e-mail	trademark@howardrice.com, cbarrett@howardrice.com
Signature	/CFB_jcd/
Date	09/05/2008
Attachments	Withdrawal of Opposition.pdf (2 pages)(154923 bytes)

Certificate of Electronic Transmission

I hereby certify that this correspondence is being transmitted electronically to the Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on the date shown below.

Carole F. Barrett
Carole F. Barrett

9/5, 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

REXX INDEX, LLC,)	Trademark Application
)	
Opposer,)	Mark: REX
)	
v.)	Serial No. 77,014,136
)	
REAL ESTATE EQUITY EXCHANGE, INC.,)	Opposition No.: 91180458
)	
Applicant.)	
)	
)	
)	

WITHDRAWAL OF OPPOSITION

Opposer, REXX Index, LLC and Applicant, Real Estate Equity Exchange, Inc., by their respective attorneys, hereby agree that Applicant, with the consent of Opposer, hereby expressly withdraws its application, Serial No. 77,014136, to register the mark REX without prejudice.

DATED: 09/05/08, 2008

By: Carole F. Barrett
Carole F. Barrett
Howard Rice Nemerovski Canady Falk & Rabkin
Attorneys for Applicant
Real Estate Equity Exchange, Inc.

DATED: 08-21-08, 2008

By: Ann Lampert Hammitte
Lowrie, Lando & Anastasi, LLP
Attorneys for Opposer
REXX Index, LLC

PROOF OF SERVICE

The undersigned declares and says as follows: my business address is Three Embarcadero Center, Seventh Floor, San Francisco, CA 94111-4024. I am employed in the City and County of San Francisco; I am over the age of 18 years, and I am not a party to this cause. I am readily familiar with this business' practices for collection and processing of correspondence for mailing with the United States Postal Services. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service via first-class mail, with postage fully prepaid.

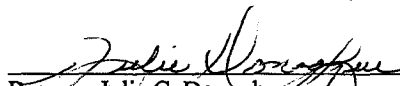
Date of Deposit: Sept. 5, 2008

I served the within **WITHDRAWAL OF OPPOSITION** on:

Ann Lamport Hammitte
Lowrie, Lando & Anastasi, LLP
One Main Street
Cambridge, MA 02142

by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, for deposit in the United States mail for collection and mailing on this day following ordinary business practices of Howard, Rice, Nemerovski, Canady, Falk & Rabkin, PC.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration is executed in San Francisco, California, this 5 th day of September, 2008.

By: 
Julie C. Donoghue
Assistant to Carole F. Barrett